

10-04-01

2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of ) Examiner: Not Assigned  
Kurt E. Petersen et al. ) Group Art Unit: Not Assigned  
Serial No: Not Assigned ) Customer No.: 25213  
Filed: October 2, 2001 )  
For: **DEVICE FOR ANALYZING A** )  
**FLUID SAMPLE** ) **REQUEST FOR FILING A DIVISIONAL**  
Docket No.: 22660-0028 DIV 3 ) **APPLICATION UNDER 37 C.F.R.**  
**\$1.53 (b)**

1017 U.S. PTO  
09/970434

10/02/01

Express Mail Label No.: EL 912 435 389 US  
Mailed in Palo Alto, CA on: October 2, 2001

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/583,807, filed May 30, 2000, of Kurt E. Petersen, Michael T. Taylor, Farzad Pourahmadi, William A. McMillan, Ronald Chang, Stanley H. Sakai, Jesus Ching, Douglas B. Dority, Phillip Belgrader, and M. Allen Northrop, for **APPARATUS AND METHOD FOR ANALYZING A FLUID SAMPLE**.

1. Enclosed is a true copy of the oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

/X/ the same.

/\_/ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. /X/ Filing Fee Calculation

Applicant is a [X] Small Entity [ ] Large entity.  
The required fee is calculated below:

FILING FEE CALCULATION

Description	Claims	Extra	Rate	Fee Code	Fee
Basic Filing Fee				201	370
Independent Claims	1 - 3=	0 x	\$42 =	202	0
Total Claims	20 -20=	0 x	\$9 =	203	0

Total Filing Fee .. \$370

4. Payment of Filing Fees:

/X/ A check in the amount of \$370, is enclosed herewith.

/X/ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. \$1.16 and \$1.17, to Deposit Account No. 08-1641, referencing Docket No. 22660-0028 DIV 3. A duplicate copy of this paper is attached.

5. The prior application is assigned of record to: Cepheid.

6. The power of attorney in the prior application is to:  
William Schmonsees, Reg. No. 31,796

/X/ The power appears in the original papers in the prior application.

/\_/ A Power of Attorney and Revocation of Prior Powers is enclosed.

8. Please address correspondence in this matter to:

William Schmonsees  
Heller Ehrman White & McAuliffe  
275 Middlefield Road  
Menlo Park, CA 94025-3506

9. Documents enclosed:

- /X/ Application: 82 pages of specification; 4 pages of claims; 1 page of abstract; 39 sheets of drawings;
- /X/ a true copy of the oath or declaration showing the signature or an indication it was signed
- /X/ Check in the amount of \$370.
- /X/ 1 Return Receipt Postcard.

Respectfully submitted,

By: 

William Schmonsees  
Registration No. 31,796

Date: October 2, 2001

Heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
Direct Dial: (650) 324-7041  
Facsimile: (650) 324-0638

323008 v01.SV (6X8G01!.DOC)  
10/02/01 11:17 AM